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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Peter Nietupski

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VISTEON

C/O BRINKS HOFER GILSON & LIONE

PO BOX 10395

CHICAGO, IL 60610

EXAMINER

SHIMIZU, MATSUICHIRO

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,376

Applicant(s)

NIETUPSKI ET AL.

Examiner

Matsuichiro Shimizu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 19-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

The examiner acknowledges currently amended claims 1, 8-9, 13, 19 and 24.

Response to Arguments

Applicant's arguments with respect to claim 1, 8-9, 13, 19 and have been considered but are moot in view of the new grounds of rejection provided by new prior art of Flick whereby Flick teaches, in the art of vehicle control system, wireless subsystem, wireless in-vehicle receiver and wireless in-vehicle transmitter.

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (5,917,405) in view of Flick (6,480,098).

Regarding claim 1, Joao teaches a system for remotely controlling a vehicle subsystem, the system comprising: a remote transmitter for broadcasting a first control signal from a remote service center to a vehicle control unit receiver (Fig. 11A, col. 45, line 61 to col. 46, line 39 central security office to broadcast inquiry to selected vehicle receiver); an in-vehicle receiver for receiving the control signal (Fig. 11A, in vehicle receiver 3), wherein a second control signal is indicative of the first control signal from a in-vehicle transmitter in communication with the vehicle control receiver to a vehicle subsystem controller having a subsystem receiver for receiving the second control signal (Fig. 11A, subsystem I/F 8,10, 12; receiving second control signal associated with vehicle ignition 7, vehicle fuel pump 9 and vehicle equipment 11); and actuating the vehicle subsystem in response to the received second control signal (Fig. 11A, actuating vehicle ignition 7, vehicle fuel pump 9 and vehicle equipment 11). But Joao does not teach wireless subsystem, wireless in-vehicle receiver and wireless in-vehicle transmitter.

However, Flick teaches, in the art of vehicle control system, wireless subsystem, wireless in-vehicle receiver and wireless in-vehicle transmitter (Fig. 2, wireless subsystem 11, wireless in-vehicle receiver 60 and wireless in-vehicle transmitter 53) for the purpose of enhancing system function. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include a controller of the remote keyless entry in the device of Joao because Joao suggest the controller of the vehicle access and Flick teaches

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wireless subsystem, wireless in-vehicle receiver and wireless in-vehicle transmitter for the purpose of enhancing system function.

Regarding claims 2-4, Joao teaches the method of claim 1 wherein sending a first control signal to actuate a vehicle door lock (Joao-col. 22, Lines 50-59, door lock system), a vehicle horn (Joao-col. 22, lines 24-59, horn associated with alarm), a vehicle global positioning receiver (Joao-Figs. 1 and 10, gps 130).

All subject matters in claims 8 and 10-12 are disclosed in claims 1-4, and therefore rejection of the subject matters expressed in claims 8 and 10-12 are met by references and associated arguments applied to rejection of claims 1-4.

Claims 5-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Flick as applied to claim 1 above, and further in view of Hussey et al. (6,130,622).

Regarding claims 5-7, Joao in view of Flick does not teach the method of claim 1 wherein transmitting a radio frequency control signal to a vehicle telematics unit, transmitting an infrared control signal to the vehicle subsystem controller; and a controller of the remote keyless entry system.

However, Hussey teaches, in the art of vehicle control system, to transmit a radio frequency control signal to a vehicle telematics unit (Hussy-col. 6, lines 36-50), to transmit an infrared control signal to the vehicle subsystem controller (Hussy-col.11, lines 34-36); and a controller of the remote keyless entry system (col. 1, lines 19-25, RKE) for the purpose of enhancing system function. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include a controller of the remote keyless

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entry in the device of Joao in view of Flick because Joao in view of Flick suggest the controller of the vehicle access and Hussey teaches a controller of the remote keyless entry for the purpose of enhancing system function.

All subject matters in claim 9 are disclosed in claims 6-7, and therefore rejection of the subject matters expressed in claim 9 are met by references and associated arguments applied to rejection of claims 6-7.

Claims 13, 19-22 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Flick and Hussey.

Regarding claim 19, Joao teaches a system for remotely controlling a vehicle subsystem using a wireless network infrastructure and, the system comprising: a remote transmitter for broadcasting a control signal from a remote service center to a vehicle (col. 45, line 61 to col. 46, line 39 central security office to broadcast inquiry to selected vehicle); an in-vehicle receiver for receiving the control signal (Fig. 11A, in vehicle receiver 3), wherein the control signal is indicative of an operational state of the vehicle subsystem (Fig. 11A, vehicle ignition 7, vehicle fuel pump 9 and vehicle equipment 11); and wherein the operational state of the vehicle subsystem (Fig. 11A, col. 47, lines 35-58, control and monitor ignition and fuel pump via disabling, vehicle ignition 7, vehicle fuel pump 9 and vehicle equipment 11) is altered in response to the control signal received by the controller of the vehicle access. Joao does not disclose a controller of the remote keyless entry system, wireless subsystem, wireless in-vehicle receiver and wireless in-vehicle transmitter.

However, Flick teaches, in the art of vehicle control system, wireless subsystem, wireless in-vehicle receiver and wireless in-vehicle transmitter (Fig. 2, wireless subsystem 11, wireless in-vehicle receiver 60 and wireless in-vehicle

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transmitter 53) for the purpose of enhancing system function. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include a controller of the remote keyless entry in the device of Joao because Joao suggest the controller of the vehicle access and Flick teaches wireless subsystem, wireless in-vehicle receiver and wireless in-vehicle transmitter for the purpose of enhancing system function.

Likewise, Hussey teaches, in the art of vehicle control system, a controller of the remote keyless entry system (col. 1, lines 19-25, RKE) for the purpose of enhancing system function. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include a controller of the remote keyless entry in the device of Joao in view of Flick because Joao in view of Flick suggest the controller of the vehicle access and Hussey teaches a controller of the remote keyless entry for the purpose of enhancing system function.

Regarding claim 20, Joao teaches the system of Claim 19, further comprising an operator interface for interacting with the remote service center (col. 44, lines 59-65, operator activate the apparatus 950 from the vehicle).

Regarding claim 21, Joao teaches the system of Claim 20, wherein the operator interface for interacting with the remote service center is a cellular phone (Fig. 11A, col. 46, lines 52-65, PCS).

Regarding claim 22, Joao teaches the system of Claim 21, wherein a cellular phone (Fig. 11A, col. 46, lines 52-65, PCS) is handheld device (col. 19, lines 7-30, hand-held device). But Joao in view of Flick and Hussey does not teach the cellular phone has a head unit worn by a vehicle operator.

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However, Joao teaches a cellular phone (Fig. 11A, col. 46, lines 52–65, PCS) is handheld device. Furthermore, one of ordinary skill in the art recognizes the cellular phone is a head unit and cellular phone is handheld device provide same wireless communication function but mere shift of cell-phone usage from handheld to head unit. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the cellular phone is a head unit in the device of Joao in view of Flick and Hussey because one of ordinary skill in the art recognizes the cellular phone is a head unit as an alternative usage.

Regarding claim 24, Hussey teaches the system of Claim 19, wherein the in-vehicle transmitter is an infrared transmitter (col. 11, lines 34–36, IR transmitter) for communicating with the controller of the remote keyless entry system.

Regarding claim 25, Hussey teaches the system of Claim 19, wherein the in-vehicle receiver is an infrared receiver (col. 11, lines 34–36, IR transmitter) which is in communication with the remote keyless entry system.

All subject matters in claim 13 are disclosed in claim 19, and therefore rejection of the subject matters expressed in claim 13 are met by references and associated arguments applied to rejection of claim 19.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Flick and Hussey as applied to claim 20 above, and further in view of Knapp et al. (6,229,434).

Regarding claim 23, Joao in view of Flick and Hussey does not teach the system of Claim 20, wherein the operator interface for interacting with the remote service center is an improved rear view mirror.

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However, Knapp teaches, in the art of vehicle control system, the operator interface for interacting with the remote service center (col. 4, lines 38-63, remote keyless entry transmitter with remote service center) is a rear view mirror (col. 4, lines 38-63, inside module 103 is in rearview mirror module coupled to remote keyless entry receiver) for the purpose of enhancing remote function. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the operator interface for interacting with the remote service center is an improved rear view mirror in the device of Joao in view of Flick and Hussey because Joao in view of Flick and Hussey suggest the controller associated with handheld device and Knapp teaches the operator interface for interacting with the remote service center is an improved rear view mirror for the purpose of enhancing remote function.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is (703) 306-5841. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703-305-4704). The fax phone number for the organization where this application or proceeding is assigned is (703-305-3988).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu 

December 9, 2004

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

